

March 21, 1979

LB 42

will be able to tell the railroads when they have to fix a crossing for safety purposes?

SENATOR CULLAN: That is correct.

SENATOR KEYES: Okay, now supposing the railroad says, well, we will fix it and a year goes by and two years go by and five years go by and they haven't fixed it, what is the penalty? Do we shut the road down? Do we shut the railroad down or do we just go on going across the road? There has to be a penalty and how are we going to enforce it. How are we, the State of Nebraska, going to force the railroads to fix every one that the Highway Department figures is good, that ought to be fixed? Tell me what the penalty is and how we are going to enforce it.

SPEAKER MARVEL: Senator Cullan, are you answering the question?

SENATOR CULLAN: There is no penalty but the railroads have always complied. I would anticipate the railroads would follow the law. I don't see a problem, Senator Keyes, even if there is no penalty.

SENATOR KEYES: You have never tried to get a road fixed like I have.

SPEAKER MARVEL: The motion is on the adoption of the Dworak amendment. All those in favor of adopting the amendment vote aye, opposed vote no. We are voting on the Dworak amendment to LB 42. Have you all voted? Have you all voted? We are voting on the Dworak amendment to LB 42. Have you all voted? I will call for the vote once more. Have you all voted?

SENATOR DWORAK: Mr. Speaker, it is 11:59 a.m. and I don't know how many people are still around but with 19 not voting and I only need 9 more votes, I would like a Call of the House.

SPEAKER MARVEL: Okay, the question is, shall the House go under Call? All those in favor of the House going under Call vote aye, opposed vote no. Clerk, record the vote.

CLERK: 14 ayes, 6 nays to go under Call, Mr. President.

SPEAKER MARVEL: The House is under Call. All legislators please take their seats. Unauthorized personnel please leave the floor. Record your presence. How many are excused, Mr. Clerk? Senator Marsh, for what purpose do you